IN THE UNITED STATES DISTRICT COURT		
FOR THE WESTERN DISTRICT OF PENNSYLVANIA		
STEVEN LIPOVSKY, SR.,	)	
Plaintiff,	)	01 II 4 1 37 06 14 <b>5</b> 1
	)	Civil Action No. 06-1471
v.	)	Judge Gary L. Lancaster
	)	Magistrate Judge Lisa Pupo Lenihan
DAVID HOGUE, et al,	)	
	)	
Defendant.	)	
	)	
	)	

## MEMORANDUM ORDER

Plaintiff's Complaint was received by the Clerk of Court on November 6, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on January 31, 2007, recommended that Plaintiff's Complaint be dismissed in accordance with the Prison Litigation Reform Act for failure to state a claim upon which relief can be granted (doc. no. 14). Service was made on Plaintiff at the Armstrong County Jail. Plaintiff filed Objections to the Report and Recommendation on February 12, 2007 (doc. no. 16). After review of the pleadings and the documents in the case, together with the Report and Recommendation and the Objections of the Plaintiff, the following order is entered:

AND NOW, this 16 day of February, 2007;

IT IS HEREBY ORDERED that Plaintiff's Complaint is DISMISSED in

accordance with the Prison Litigation Reform Act for failure to state a claim upon which relief can be granted.

The Report and Recommendation of Magistrate Judge Lenihan, dated January 31,

2007, is adopted as the Opinion of the court.

Gary L. Lancaster

United States District Judge

cc: Lisa Pupo Lenihan U.S. Magistrate Judge

> Steven Lipovsky, Sr. MGP-3 #20 Armstrong County Jail 171 Staley's Courts Road Kittanning, PA 16201